

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI**

PATRICK DAILEY,	:	Case No. 1:22-cv-643
	:	
Petitioner,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
SHERIFF OF HAMILTON COUNTY, OHIO,	:	
	:	
Respondent.	:	

ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed the pending Report and Recommendation of United States Magistrate Michael R. Merz (Doc. 41), to whom this case is referred pursuant to 28 U.S.C. § 636(b). Petitioner failed to timely file objections to the Report and Recommendation in accordance with Fed. R. Civ. P. 72(b) and Fed. R. Civ. P. 6. Thus, the Court hereby **ADOPTS** the Report and Recommendation (Doc. 41) in its entirety.

Accordingly, for the reasons stated in the Report and Recommendation, this matter is **DISMISSED WITHOUT PREJUDICE** until the state court remedies have been exhausted. Additionally, because reasonable jurists would not disagree with this conclusion, Petitioner is **DENIED** a certificate of appealability. The Court **CERTIFIES** to the Sixth Circuit that any appeal would be objectively frivolous and is not permitted to proceed *in forma pauperis*. This matter is **TERMINATED** from the Court's docket.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND